

HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMAZON.COM, INC., *et al.*,

Defendant.

Case No. 2:23-cv-0932-JHC

**MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF BY
INTERACTIVE ADVERTISING
BUREAU IN SUPPORT OF
DEFENDANTS' MOTIONS TO
DISMISS**

NOTE ON MOTION CALENDAR:
November 10, 2023

I. INTRODUCTION

The Interactive Advertising Bureau (“IAB”) hereby respectfully submits this Motion for Leave to File an *Amicus Curiae* Brief in support of Defendant Amazon.com, Inc.’s Motion to Dismiss (Dkt. #84). Counsel for Amazon did not oppose the filing of IAB’s amicus brief. IAB also contacted Counsel for the FTC, who declined to consent.

II. IDENTITY AND INTEREST OF *AMICUS CURIAE*

Amicus curiae, IAB, founded in 1996 and headquartered in New York City represents over 700 leading media companies, brand marketers, agencies, and technology companies that are responsible for selling, delivering, and optimizing digital advertising and marketing campaigns. Together, our members account for 86 percent of online advertising expenditures in the United States. Working with our member companies, the IAB develops both technical standards and best practices for our industry. In addition, the IAB fields critical consumer and market research on

1 interactive advertising, while also educating brands, agencies, and the wider business community
2 on the importance of digital marketing. The organization is committed to professional
3 development and elevating the knowledge, skills, expertise, and diversity of the workforce across
4 the digital advertising and marketing industry. Through the work of our public policy office in
5 Washington, D.C., IAB advocates for our members and promotes the value of the interactive
6 advertising industry to legislators and policymakers.

7 **III. REASONS WHY THE MOTION SHOULD BE GRANTED**

8 District courts have “broad discretion” to appoint *amici curiae*. *Skokomish Indian Tribe v.*
9 *Goldmark*, 2013 WL 5720053, at *1 (W.D. Wash. Oct. 21, 2013) (quoting *Hoptowit v. Ray*, 682
10 F.2d 1237, 1260 (9th Cir. 1982)). “District courts frequently welcome amicus briefs from non-
11 parties concerning legal issues that have potential ramifications beyond the parties directly
12 involved or if the amicus has ‘unique information or perspective that can help the court beyond
13 the help that the lawyers for the parties are able to provide.’” *NGV Gaming, Ltd. v. Upstream*
14 *Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (quoting *Cobell v. Norton*, 246
15 F. Supp. 2d 59, 62 (D.D.C. 2003)). The Court should exercise its discretion to permit IAB to file
16 the attached *amicus* brief. IAB has deep expertise on issues of digital advertising and marketing.
17 This background positions IAB to provide exactly the type of “unique information [and]
18 perspective” that *amicus* briefs are intended to supply.

19 **IV. CONCLUSION**

20 For the reasons set forth above, the proposed *amicus* IAB respectfully requests the Court
21 grant it leave to file the *amicus curiae* brief attached as Exhibit A.

Dated: October 25, 2023

Respectfully submitted,

AKIN GUMP STRAUSS HAUER & FELD LLP FENWICK & WEST LLP

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*Attorneys for Amicus Curiae Interactive
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LCR 7(E) WORD-COUNT CERTIFICATION

As required by Western District of Washington Local Civil Rule 7(e), I certify that this memorandum contains 408 words.

Dated: October 25, 2023

FENWICK & WEST LLP

By: /s/ Brian D. Buckley
Brian D. Buckley